

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:24-cr-45-5

vs.

MARKAIL SMITH,

District Judge Michael J. Newman

Defendant.

ORDER: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE (Doc. No. 165); (2) GRANTING THE PARTIES' JOINT MOTION FOR A CHANGE OF PLEA (Doc. No. 156); (3) ACCEPTING DEFENDANT'S PLEA OF GUILTY AS CHARGED IN COUNT 1 OF THE SUPERSEDING INFORMATION; AND (4) DEFERRING THE DECISION OF WHETHER TO ACCEPT THE PLEA AGREEMENT UNTIL THE SENTENCING HEARING

This criminal case is before the Court on the Report and Recommendation of the United States Magistrate Judge (Doc. No. 165), recommending that the Court accept Defendant's guilty plea. There being no objections, the Court **ADOPTS** the Report and Recommendation in full. The parties' joint motion to change plea (Doc. No. 156) is **GRANTED**, and the Court **ACCEPTS** Defendant's plea of guilty as charged in Count 1 of the Superseding Information, which charges Defendant with aiding and abetting distribution of cocaine, in violation of Title 21 U.S.C. §§ 841(a)(1) and (b)(1)(C) and Title 18 U.S.C. §2. The Court **DEFERS** the decision of whether to accept the plea agreement until the sentencing hearing.

IT IS SO ORDERED.

April 30, 2025

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge